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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,048	01/23/2002	Steven C. Robertson		3434

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EXAMINER
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SALIARD, SHANNON S

ART UNIT	PAPER NUMBER
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3628

MAIL DATE	DELIVERY MODE
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05/09/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/057,048	<b>Applicant(s)</b> ROBERTSON ET AL.	
	<b>Examiner</b> Shannon S. Saliard	<b>Art Unit</b> 3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 17-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 23 February 2007 has been entered.

### ***Status of Claims***

2. Applicant has not amended or newly added any claims. Claims 1-19 were previously cancelled. Thus, claims 17-23 remain pending and are presented for examination.

### ***Response to Arguments***

3. Applicant's arguments filed 23 February 2007, with respect to the rejection of claim 17 under 35 U.S.C. 112, Second Paragraph, have been fully considered and are persuasive. Thus, the rejection of claim 17 under 35 U.S.C. 112, Second Paragraph has been withdrawn.

4. Applicant's arguments filed 23 February 2007 have been fully considered but they are not persuasive.

5. Applicant argues (with respect to claims 17-23), "nowhere is there even suggested a luggage transport client application running on a service partner's computer for interaction with the luggage transport server application." However, the Examiner notes that this limitation is not found in the claim. The claim recites, "a plurality of service partners each having sites, each site operatively associated with a computer connected to the distributed network, each service partner associated computer running at least on server application to provide online services to users over the distributed network, each partner associated computer also running at least one luggage transport client application." Therefore, Examiner notes that Quackenbush et al discloses, "while purchasing tickets, users are provided the option of arranging for the pick-up and delivery of their personal baggage...the user links to a second baggage-delivery Web site dedicated to baggage delivery (i.e., service partner website). Typically, the Web site is maintained by a server computer having a database. Database stores baggage identification information (e.g., baggage claim numbers) in linked relation to a final delivery location specified by the traveler" [Fig. 3; col 3, lines 44-54]. Thus, the server with a database that stores baggage identification information inherently has a server application since the information in the server can be linked to for access of the information. Furthermore, Figure 3 shows the service partner site (BaggageDirect Web site) operatively associated with a computer (computer 302 is operatively associated with the partner website) connected to the distributed network (i.e., Internet). Quackenbush et al discloses, "if the traveler wishes to make arrangements for baggage pick-up and delivery, the traveler indicates this desire in step

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410 by clicking an icon on Web page to navigate to baggage-delivery Web site...all the passenger's travel information is forwarded from Web page to Web site via automatic data relay when the passenger clicks the icon...Web site dynamically creates a Web page including the passenger's travel information and a form to permit the passenger to fill in additional information concerning baggage delivery" [col 4, lines 13-29]. Since the information is automatically received at the Web site and additional information can be collected at the Website, there has to be a client application running on the computer.

6. Applicant further argues (with respect to claims 17-23) that Lanigan 0023 and Barni do not at all teach that it is an automated (computerized) process, much less carried out in a server/client environment. The Examiner submits that although Lanigan and Barni do not explicitly teach that the matching is done in an automated process, however it is not 'invention' to broadly provide a mechanical or automatic means to replace manual activity which has accomplished the same result (see *In re Venner*, 120 USPQ 192 (CCPA 1958) and *In re Rundell*, 9 USPQ 220).

7. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Lanigan and Barni are specifically relied upon for the teaching of matching a segment with a carrier.

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Therefore, the motivation provided by the Examiner is with regard to only the modification of Quackenbush to include the additional limitation of matching the segment. Barni specifically provides the motivation for matching a segment with a carrier so that customers can obtain cargo rates from one or more freight forwarders and/or carriers, and negotiate shipping routes and pricing with freight forwarders and carriers [col 1, lines 62-66]. Furthermore, there is no requirement that Quackenbush et al provide a motivation for elements that Quackenbush did not intend to seek protection.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 17-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Quackenbush et al [US Patent 6,512,964] in view of Lanigan, Sr. [US 2003/0061085] and Barni et al [US 6,920,429]

As per **claim 17**, Quackenbush et al discloses a system for providing pickup and delivery of luggage over a distributed network, the system comprising: at least one computer server connected to the distributed network [see Fig. 3], the server running a luggage transport server application [col 3, lines 47-50, Examiner interprets an

application to be something that enables interaction between user and website]; a plurality of user input/output devices operatively configured to access an online service at a service partner site [Fig. 3, col 3, lines 39-45]; the luggage transport server application operatively connected to data storage residing on computer readable media [Fig. 3, col 3, lines 50-54], and the luggage transport server application configured to: receive and store luggage travel segment data from a user [col 4, lines 13-52, prompts user for location from which bags is to be picked up and delivered and database is updated]. Quackenbush et al does not explicitly disclose a plurality of service partners each having sites, each partner associated computer also running at least one luggage transport client application. However, Quackenbush et al discloses a service partner having a site, the site operatively associated with a computer connected to the distributed network, the service partner associated computer running at least one server application to provide online service to users over the distributed network [col 46-55]. Quackenbush et al does not further disclose programmatically match a luggage travel segment to a selected service partner; output selected luggage travel segment data to the selected service partner. However, Lanigan, Sr. discloses that information from the passenger is transmitted to the central office of the luggage carrier (output segment data to service partner), which comprises a system different from the airline passenger system, for example United Parcel Federal Express, or another organization [0023; 0024]. Moreover, Barni et al discloses a customer may input a shipping lane and that available carriers for that shipping lane are identified and displayed ([col 5, lines 43-52]; Examiner interprets luggage travel segment to be a shipping lane). Barni et al further

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discloses that the website may be mirrored at additional servers in the network [col 4, lines 1-6]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Quackenbush et al to include the method disclosed by Lanigan, Sr. and Barni et al. Barni et al provides the motivation that it is highly desirable to provide an improved online business method wherein customers can obtain cargo rates from one or more freight forwarders without having to visit multiple third party sites and manually comparing the information during such searching [col 1, lines 52-66].

As per **claim 18**, Quackenbush et al does not disclose wherein the luggage transport server application is further configured to: receive and store luggage travel segment data from the selected service partner; output luggage travel segment data to the user. However, Barni et al discloses that a carriers post published rates for transporting cargo and that a rate quote for a shipping lane is displayed to the user through the website [col 5, lines 15-30]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Quackenbush et al to include wherein the luggage transport server application is further configured to: receive and store luggage travel segment data from the selected service partner; output luggage travel segment data to the user. Barni et al provides the motivation that providing this information to the customer allows them the opportunity to evaluate competitive prices in one consolidated location instead of having to navigate to individual company websites [col 5, lines 21-24].



As per **claim 19**, Quackenbush et al does not disclose wherein the luggage transport server application is further configured to: receive and store luggage travel segment bid data from the selected service partner; output luggage travel segment bid data to the user; receive and store luggage travel segment bid acceptance data from the user; output luggage travel segment bid acceptance data to the selected service partner. However, Barni et al discloses that after a carrier has entered appropriate bid information, the bid is posted wherein the bid is displayed to the user and the user can accept the bid by highlighting the appropriate row in the table and then a conformation is sent to both parties [col 7, lines 12-54]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Quackenbush et al to include wherein the luggage transport server application is further configured to: receive and store luggage travel segment bid data from the selected service partner; output luggage travel segment bid data to the user; receive and store luggage travel segment bid acceptance data from the user; output luggage travel segment bid acceptance data to the selected service partner so that the user can receive the most competitive rates.

As per **claim 20**, Quackenbush et al discloses a system for providing pickup and delivery of luggage across multiple service providers over a distributed network, the system comprising: at least one computer server connected to the distributed network [see Fig. 3], the server running a luggage transport server application [col 3, lines 47-50, Examiner interprets an application to be something that enables interaction between user and website]; a plurality of user input/output devices operatively configured to

access an online service at a service partner site [Fig. 3, col 3, lines 39-45]; the luggage transport server application operatively connected to data storage residing on computer readable media [Fig. 3, col 3, lines 50-54], and the luggage transport server application configured to: receive and store luggage travel segment data from a user [col 4, lines 13-52, prompts user for location from which bags is to be picked up and delivered and database is updated]. Quackenbush et al does not explicitly disclose a plurality of service partners each having sites, each partner associated computer also running at least one luggage transport client application. However, Quackenbush et al discloses a service partner having a site, the site operatively associated with a computer connected to the distributed network, the service partner associated computer running at least one server application to provide online service to users over the distributed network [col 46-55]. Quackenbush et al does not further disclose programmatically match a luggage travel segment to a selected service partner; output selected luggage travel segment data to the selected service partner; receive and store luggage travel segment data from the selected service partner; and output luggage travel segment data to the user. However, Lanigan, Sr. discloses that information from the passenger is transmitted to the central office of the luggage carrier (output segment data to service partner), which comprises a system different from the airline passenger system, for example United Parcel Federal Express, or another organization [0023; 0024]. Moreover, Barni et al discloses a customer may input a shipping lane and that available carriers for that shipping lane are identified and displayed ([col 5, lines 43-52]; Examiner interprets luggage travel segment to be a shipping lane). Barni et al further discloses that the

website may be mirrored at additional servers in the network [col 4, lines 1-6].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Quackenbush et al to include the method disclosed by Lanigan, Sr. and Barni et al. Barni et al provides the motivation that it is highly desirable to provide an improved online business method wherein customers can obtain cargo rates from one or more freight forwarders without having to visit multiple third party sites and manually comparing the information during such searching [col 1, lines 52-66]. Barni et al further discloses that a carriers post published rates for transporting cargo and that a rate quote for a shipping lane is displayed to the user through the website [col 5, lines 15-30]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Quackenbush et al to include wherein the luggage transport server application is further configured to: receive and store luggage travel segment data from the selected service partner; output luggage travel segment data to the user. Barni et al provides the motivation that providing this information to the customer allows them the opportunity to evaluate competitive prices in one consolidated location instead of having to navigate to individual company websites [col 5, lines 21-24].

As per **claims 21-23**, Quackenbush et al does not further disclose wherein the luggage transport server application is further configured to: programmatically match a luggage travel segment to a plurality of selected service partners; output selected luggage travel segment data to the plurality of selected service partners; receive and store luggage travel segment bid data from each service partner; output luggage travel

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segment bid data to the user; receive and store luggage travel segment's bid acceptance data from the user; output luggage travel segment's bid acceptance data to the plurality of service partners. However, Barni et al discloses a customer may input a shipping lane and that available carriers for that shipping lane are identified and displayed ([col 5, lines 43-52]; Examiner interprets luggage travel segment to be a shipping lane). Barni et al further discloses that after a carrier has entered appropriate bid information, the bid is posted wherein the bid is displayed to the user and the user can accept the bid by highlighting the appropriate row in the table and then a conformation is sent to both parties [col 7, lines 12-54]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Quackenbush et al to include wherein the luggage transport server application is further configured to: receive and store luggage travel segment bid data from the selected service partner; output luggage travel segment bid data to the user; receive and store luggage travel segment bid acceptance data from the user; output luggage travel segment bid acceptance data to the selected service partner so that the user can receive the most competitive rates.

### ***Conclusion***

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures

may apply as well. It is respectfully requested that the applicant, in preparing the responses, fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shannon S. Saliard whose telephone number is 571-272-5587. The examiner can normally be reached on Monday - Friday, 8:00 am - 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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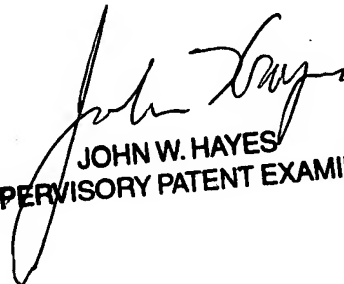
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Shannon S Saliard  
Examiner  
Art Unit 3628

SSS

  
**JOHN W. HAYES  
SUPERVISORY PATENT EXAMINER**